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September 24, 2023

Hon. Jed S. Rakoff
United States District Court
500 Pearl Street
New York, N.Y. 10007
via email Noah_Stern@nysd.uscourts.gov

Re: United States v. Kaheen Small
22 Cr. 352 (JSR)

Your Honor:

This supplemental letter is respectfully submitted in relation to Kaheen Small's sentencing scheduled for September 26, 2023. As it relates to his medical situation, I request permission to file it under seal.

Update on Kaheen Small's medical condition

Kaheen underwent gastric bypass surgery on August 23, 2023. The procedure, reduction of his stomach to a one ounce sized "small pouch" and connecting it to his small intestine, was a success. During the procedure Dr. Ahmed also discovered and repaired a hernia. A week after surgery Kaheen went for a follow-up visit and another check up is scheduled for October 2, 2023. He was told he is doing well. In the ordinary course Kaheen would initially have follow-up visits every five weeks and then every two to three months for the first year after surgery.

Kaheen will have to follow strict dietary protocols for the rest of his life. Wyckoff Heights Medical Center provided him with an eating plan for each step after surgery.(Exhibit A) He is currently still eating in accord with a hybrid Stage two and three plan which is mostly soft foods, four times a day every four or so hours. Kaheen has been advised that he can try more solid food when he feels he can comfortably do so. But after trying some baked chicken he felt uncomfortable digesting it. Even after he fully recovers from surgery Kaheen must eat small portion, high protein meals four times a day. The protein must be low fat, baked or broiled, with low to no salt. He must avoid sugar, and starchy carbohydrates such as rice and pasta. He must also drink about a half a gallon of liquid--water, no-sodium broth or sugarless non-carbonated beverages like Gatorade--each day as well as taking multi-vitamins.

As the Court is aware, the Bureau of Prisons does not provide access to the kind of food and liquid that Kaheen needs or consistent his required eating schedule. Continuing to following his eating plan is the only way for him to stay on track, to continue losing weight and improve

his health. He is still taking the same medications that he was on prior to surgery. It will be very difficult, if not impossible for Kaheen to access the needed follow-up appointments if he is in a regular BOP prison facility.

Conclusion

The Court has made clear that Kaheen will be sentenced to a period of incarceration. We request that the Court impose the least restrictive sentence that would be consistent with his conduct, his lack of criminal history, his work history, and his medical needs. We also request that the Court direct that Kaheen's Wyckoff medical records¹ be appended to his PSR and that the Court strongly recommend that he serve his time in a BOP medical center due to his significant dietary needs.

Respectfully,

Lisa Scolari

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cc: Rushmi Bhaskaran and Elizabeth Espinosa, Esqs

¹ If the Court agrees I will email Kaheen's more than eight hundred pages of medical records to the appropriate party, rather than attaching them to this letter.